

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 4, 5 and 7-10 were previously cancelled.

Claims 3 and 6 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 3, 6, 11 and 12 (4 claims) are now pending in this application.

On page 2, paragraph 3 of the Office Action, the Examiner has objected to claim 6 because of an informality. In response, the Applicants have amended independent claim 6 correct such informality as set forth above. Accordingly, the Applicants respectfully request that the Examiner withdraw the objection to claim 6 for the informality.

On page 3, paragraph 5 of the Office Action, the Examiner has rejected claims 3, 6, 11 and 12 under 35 U.S.C. § 102(e) as being anticipated by Glass et al (USPN: 6,161,097).

As to claim 3, claim 3 is in independent form. Independent claim 3 (as amended) now recites that the method includes the step “defining in the database of at least one system function which and how many components of the computer system are necessary at least to maintain the system function”. Claim 3, as amended, also requires that the method includes a mapping of components or the computer system in the database of the computer system. Support for the amendment can be found in paragraph 0035 of the substitute specification previously filed.

A method in which the components of the computer system is mapped in a database and defining in the database for at least one system function which and how many components of the computer system at least to maintain the system as required by independent claim 3 (as amended) is not disclosed, taught, or suggested by Glass. Glass teaches the monitoring of a single or separate system component (see col. 8, lines 30-39). In contrast, the present application discloses a method that assesses the whole computer system by monitoring all of the components of the computer system in determining if a function is available or would be available upon a change of status within the entire system. (See paragraphs **0033-0044** of the substitute specification.)

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent claim 3 (as amended) and dependent claim 11 which depends from independent claim 3.

With respect to claim 6, claim 6 is in independent form. Independent claim 6 (as amended) now recites a computer system which includes a recording means for recording a mapped component and whether said component is necessary for one or more system functions that are watched for availability; a maintenance means maintaining fully mapped components its respective state; recording means for recording the system function which component and how many components are necessary at least to maintain the system function and a total failure detection means using the recorded data to assist whether the availability of the system function supported by said component was changed or would change. Support for the amendment can be found in paragraph 0035 of the substitute specification as previously filed.

A computer system which has components of a computer system into a database, records mapped component where the said component is necessary for one or more system functions that are watched for availability, maintains the state of the mapped component, records a system function which component and how many components are necessary at least to maintain the system function and a total failure detection means using the recorded data to assess whether the availability of a system function supported by the component has changed or would change as required by independent claim 6 (as amended) is not disclosed, taught or suggested by Glass. Glass merely maintains a record of whether a process is active, idle, excluded or in an error condition. (See col. 8, l. 30-33) There is no teaching or suggestion of assessing whether the availability of the system function supported by said component has changed or would change, as required in independent claim 6 (as amended) of the present application. In contrast to Glass, the present application discloses a computer system that monitors all of the components of the computer system, maps the components in a database, and determines if a function is available or would be available upon a change of status within the entire system, via mapped components in the database.

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent claim 6 (as amended) and dependent claim 12 which depends from independent claim 6.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

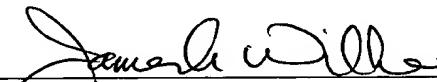
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 11-18-05

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

By



James A. Wilke
Attorney for the Applicants
Registration No. 34,279